

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

LARRY FITZPATRCK, )  
Plaintiff, )  
v. )  
CITY OF MONTGOMERY, ) Case No. 2:07-cv-528-WHA  
Defendant. ) July 20, 2007

**REPORT ON PARTIES' PLANNING MEETING**

Pursuant to the Federal Rules of Civil Procedure 26(f), a discovery planning meeting was held on July 16, 2007. This meeting was attended by Michael Boyle, Esq., counsel for the defense, and Joseph C. Guillot, Esq., attorney for Plaintiff Fitzpatrick. As a result of this meeting, counsel for both parties present to this Court, as their discovery plan in the above-styled case, the following:

1. Pre-Discovery Disclosures: Fourteen (14) days from the date of this Report, the parties will exchange the information required by Federal Rules of Civil Procedure 26(a)(1).
2. Discovery Plan: The parties jointly propose to the Court the following discovery plan:
  - A. Discovery will be needed on the following subjects: All subjects related to the allegations set forth in Plaintiff's Complaint, all defenses raised in Defendants' Answer, and all issues relating to damages, liability and all other relevant issues discoverable under the Federal Rules of Evidence.

- B. All discovery shall be completed on or before four (4) weeks prior to the Pre-Trial Hearing, except that as to any witnesses whose names were revealed less than four (4) weeks prior to the Pre-Trial Hearing or whose names are not revealed with sufficient time for the other parties to take a deposition prior to the Pre-Trial Hearing. The opposing parties shall have the time extended in this paragraph to allow for deposing such witnesses.
- C. Maximum of twenty-five (25) interrogatories by each party to any other party.
- D. Maximum request for admissions allowed under the Rule 36 of the Federal Rules of Civil Procedure by each party to any other party.
- E. A maximum of fifteen (15) depositions each by Plaintiff and Defendants.
- F. Depositions are to be limited to a maximum of eight (8) hours unless extended by agreement of parties.
- G. Reports from retained experts under Rule 26(a)(2) due: From Plaintiff at least 75 days prior to the Pre-Trial Hearing and from Defendants at least 75 days prior to the Pre-Trial Hearing. Both parties will have thirty (30) days thereafter to provide rebuttal expert witnesses and reports therefrom.
- H. Supplementation under Rule 26(e) are due within fourteen (14) days of the date a party learns in some material respect the information is incomplete or incorrect.
4. Other Items.

- A. The parties do not request a conference with the Court before entry of the Scheduling Order.
- B. The parties request a Pre-Trial Hearing during the month of June, 2008.
- C. The Plaintiff should be allowed 30 days after the date of the Scheduling Order to adjoin additional parties and until 90 days after the date of the Order to amend pleadings.
- D. The Defendant should be allowed until 30 days after the date of the Scheduling Order to adjoin additional parties and until 90 days after the date of the Order to amend pleadings.
- E. All potentially dispositive motions should be filed no later than ninety (90) days prior to the Pre-Trial Hearing date.
- F. Settlement cannot be evaluated at this time. Parties will be unable to determine settlement potential until discovery is underway, and possibly until dispositive motions and responses are evaluated.
- G. The final list of witnesses and exhibits under Rule 26(a)(3) should be due from Plaintiff and Defendants no later than three weeks prior to the Pre-Trial Hearing.
- H. The parties should have fourteen (14) days after service of final list of witnesses and exhibits to list objections under Rule 26(a)(3).

I. The case should be ready for trial by July 28, 2008, and at this time it is expected to take approximately two to three days.

Respectfully submitted this the 20<sup>th</sup> day of July, 2007.

/s/ Joseph C. Guillot  
JOSEPH C. GUILLOT (GUI011)  
Attorney for Plaintiff  
McPhillips Shinbaum, LLP  
516 South Perry Street  
Montgomery, Alabama 36104  
(334) 262-1911  
(334) 263-2321 (fax)

/s/ Michael Boyle  
MICHAEL D. BOYLE (BOY032)  
City of Montgomery  
Legal Division  
P.O. Box 1111  
Montgomery AL 36101-1111  
(334) 241-2050  
(334) 241-2310 (fax)